

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CAMBRIDGE RETIREMENT SYSTEM, on
Behalf of Itself and all Others Similarly
Situating,

Plaintiff,

v.

INVACARE CORPORATION, *et. al.*,

Defendants.

Case No. 1:13-cv-1165-CAB

CLASS ACTION

**MOTION TO EXCUSE APPEARANCE OF PROPOSED LEAD PLAINTIFF
GOVERNMENT OF GUAM RETIREMENT FUND
AT CASE MANAGEMENT CONFERENCE**

Pursuant to Local Rule 16.3(b) and the Court's July 30, 2013 Case Management Order, proposed¹ Lead Plaintiff Government of Guam Retirement Fund ("Guam"), respectfully requests that it be excused from making a personal appearance at the Case Management Conference, currently set for October 7, 2013, at 2:00 p.m. As grounds for this motion, Guam submits that it is a defined benefit pension plan based in Maite, Guam. Guam will be represented at the Case Management Conference by its proposed Lead Counsel from Bernstein Litowitz Berger & Grossmann LLP ("Bernstein Litowitz"), along with Guam's local counsel from Climaco, Wilcox, Peca, Tarantino & Garofoli Co., L.P.A. ("Climaco"). Guam's counsel at Bernstein Litowitz and Climaco are fully authorized to address the matters identified in Local Rule 16.3(b) and the Court's July 30, 2013 Case Management Order.

Dated: September 25, 2013

Respectfully submitted,

/s/ Blair A. Nicholas

**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**

Blair A. Nicholas (admitted *Pro Hac Vice*)
Benjamin Galdston (admitted *Pro Hac Vice*)
David R. Kaplan (admitted *Pro Hac Vice*)
12481 High Bluff Drive, Suite 300
San Diego, California 92130
Telephone: (858) 793-0070
Facsimile: (858) 793-0323

-and-

Gerald H. Silk (admitted *Pro Hac Vice*)
Avi Josefson (admitted *Pro Hac Vice*)
1285 Avenue of the Americas
New York, New York 10019
Telephone: (212) 554 1400
Facsimile: (212) 554 1444

¹ Guam's motion for appointment as Lead Plaintiff [ECF No. 8] is unopposed and *sub judice*. As the movant with the largest financial interest in this litigation and that otherwise satisfies the requirements of Fed. R. Civ. P. 23, Guam is the presumptive Lead Plaintiff under the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(a)(3)(B).

*Counsel for Proposed Lead Plaintiff
Government of Guam Retirement Fund and
Proposed Lead Counsel for the Class*

**CLIMACO, WILCOX, PECA,
TARANTINO & GAROFOLI CO.,
L.P.A.**

John R. Climaco (0011456)
Scott D. Simpkins (0066775)
55 Public Square, Suite 1950
Cleveland, Ohio 44113
Telephone: (216) 621-8484
Facsimile: (216) 771-1632

*Local Counsel for Proposed Lead Plaintiff
Government of Guam Retirement Fund*

CERTIFICATE OF SERVICE

A copy of the foregoing was filed electronically this 25th day of September, 2013. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Blair A. Nicholas